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8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
10

11 TRIPLED EXPERIENCE LTD.,

12 Plaintiff,

13 v.  
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15 GEM CAM TECHNOLOGIES LTD.,

16 Defendant.

Case No.

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY DEMAND**

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1                   **TRIPLED EXPERIENCE LTD.’S COMPLAINT FOR PATENT**  
2   **INFRINGEMENT**

3           For its complaint against Defendant Gem Cam Technologies Ltd. (“Gem  
4 Cam” or “Defendant”), Plaintiff TripleD Experience Ltd. (“Plaintiff” or “TripleD”),  
5 by its attorneys, alleges as follows:

6   **NATURE OF ACTION**

7           1.       This is an action for patent infringement under 35 U.S.C. § 271, *et seq.*,  
8 by Plaintiff against Defendant for infringement of United States Design Patent No.  
9 D795,323 (“the ’323 patent,” a true and correct copy of which is enclosed as  
10 Appendix A).

11   **PARTIES**

12           2.       Plaintiff TripleD is a corporation organized under the laws of the  
13 country of Israel with a principal place of business at Diamond Exchange - Yahalom  
14 Building, 21 Tuval Street, Ramat Gan, Israel.

15           3.       Upon information and belief, Defendant Gem Cam is a corporation  
16 organized under the laws of the country of Israel with a principal place of business  
17 at 5 Shikma St., Kefar Yonah, Israel 4035605.

18   **JURISDICTION AND VENUE**

19           4.       This is an action for patent infringement arising under the patent laws  
20 of the United States, 35 U.S.C. § 271, *et seq.*

21           5.       This Court has subject matter jurisdiction over this action under 28  
22 U.S.C. §§ 1331 and 1338.

23           6.       Upon information and belief, this Court has personal jurisdiction over  
24 Gem Cam because Gem Cam has transacted business in this judicial district and is  
25 committing acts of infringement in this judicial district. Specifically, Gem Cam  
26 places its diamond and gemstone imaging products (“the Infringing Products”) into  
27 the stream of commerce, with the knowledge or understanding that such products  
28 are sold in the State of California, including in this District. The acts by Gem Cam

1 cause injury to Plaintiffs within this District. Upon information and belief, Gem  
2 Cam derives substantial revenue from the sale of the Infringing Products within this  
3 District, expects its actions to have consequences within this District, and derives  
4 substantial revenue from interstate commerce.

5 7. Upon information and belief, venue for this civil action in this judicial  
6 district is proper under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b), as Gem Cam  
7 has committed acts of infringement in this district. In addition, venue is proper in  
8 this judicial district because, upon information and belief, Gem Cam is a foreign  
9 corporation.

#### 10 **FACTUAL BACKGROUND**

11 8. TripleD is a leader in the field of diamond and gemstone imaging. It  
12 has sold thousands of its TripleD Photo Kits, which enable simple, accurate,  
13 inexpensive smartphone-based photography of diamonds and gemstones.

14 9. The TripleD Photo Kit is a compact, innovative, first-of-its-kind  
15 apparatus precisely designed to enable anyone with a smartphone, not just  
16 professional photographers, to take accurate, detailed photographs of diamonds and  
17 gemstones.

18 10. TripleD also sells software, known as the TripleD Application, for  
19 processing, transmitting, and storing images taken with the TripleD Photo Kits, as  
20 well as for facilitating stone certification, purchases and sales.

21 11. In recognition of one of TripleD's innovations, on August 22, 2017, the  
22 United States Patent and Trademark Office duly and legally issued the '323 patent  
23 to TripleD, entitled "Apparatus for Capturing Images of Gemstones." The named  
24 inventors are Gil Melamed, Ziv Melamed, and Menachem Ventura. In the '323  
25 patent, TripleD claims "the ornamental design for an apparatus for capturing images  
26 of gemstones, as shown and described." The patent contains twelve figures, each  
27 illustrating an aspect of the innovative design of the gemstone image-capture  
28 apparatus.

1           12. Gem Cam is an Israeli corporation that competes with TripleD in the  
2 field of diamond and gemstone imagery. As Gem Cam states on its website and in  
3 its marketing materials, its Infringing Product, like TripleD's Photo Kit, is an  
4 "imaging system for loose diamonds and gemstones capturing high quality 360°  
5 videos and photos that you can immediately share with buyers." [Available at  
6 <http://www.gem-cam.com/>]

7           13. As the side-by-side comparisons shown below reveal, Gem Cam is  
8 using TripleD's patented gemstone imaging apparatus designs in the Infringing  
9 Products. Both the overall appearance and the individual design features are largely  
10 identical between the '323 Patent and the Infringing Products:  
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**'323 Patent**

**Gem Cam's Infringing Products**

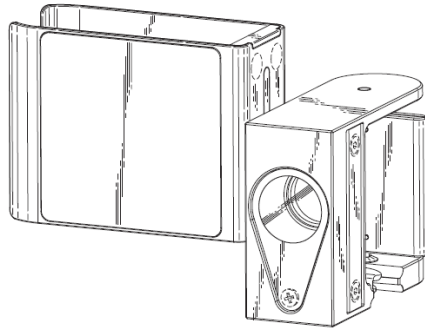


FIG. 1

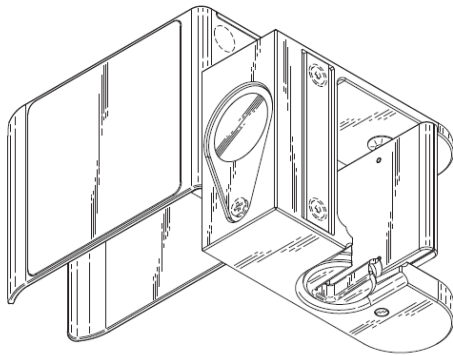


FIG. 2

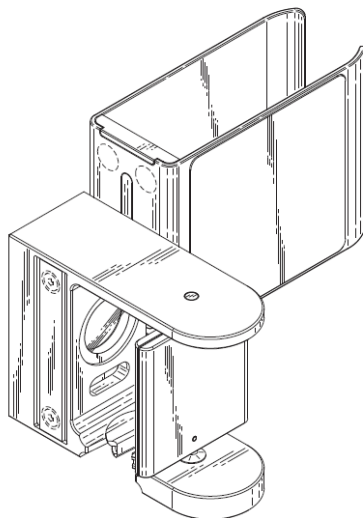


FIG. 3



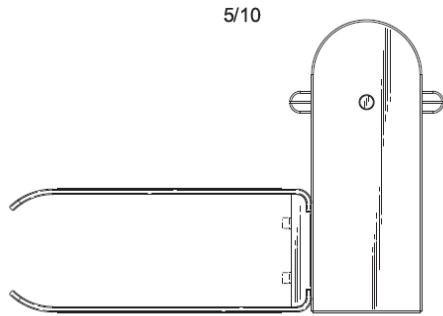


FIG. 5

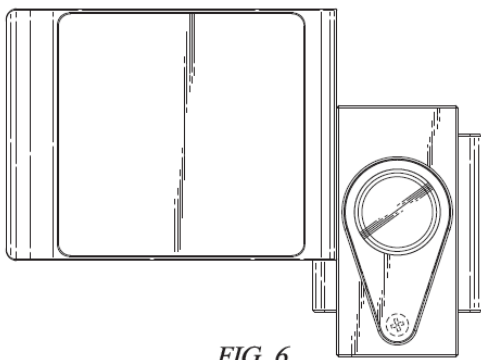


FIG. 6

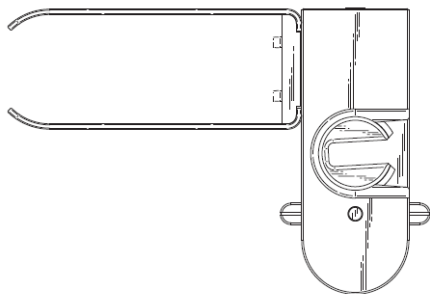


FIG. 7





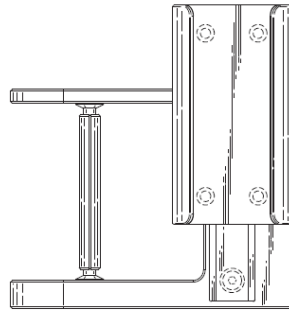


FIG. 8

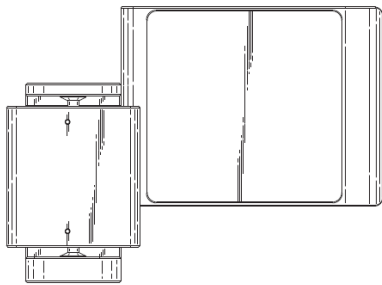


FIG. 10

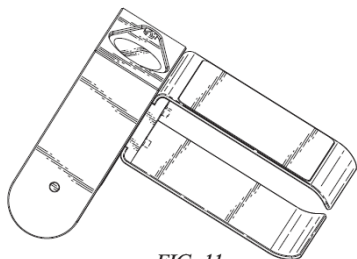


FIG. 11

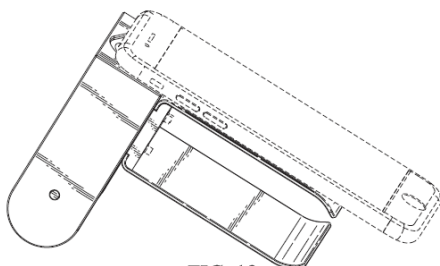


FIG. 12



1  
2 14. Gem Cam's Infringing Products' use of a design closely and often  
3 identically resembling TripleD's patented design has inhibited TripleD from selling  
4 its TripleD Photo Kits in the marketplace. Gem Cam's conduct has unfairly caused  
5 and is continuing to cause significant marketplace harm to TripleD by depriving it  
6 of significant sales, revenues, and profits.

7 15. In addition, upon information and belief, Gem Cam has recently begun  
8 selling its Infringing Products through Stuller USA, one of the largest distributors in  
9 the world of jewelry supplies. Gem Cam's competing sales of its Infringing  
10 Products through the Stuller distribution channel, among others, further deprives  
11 TripleD of significant sales, revenues, and profits.

12 16. Moreover, Gem Cam's sales of its Infringing Products facilitate sales  
13 of its associated mobile application, which in turn deprives TripleD of significant  
14 sales of its own TripleD Application.

15 17. Upon information and belief, Gem Cam has known or should have  
16 known about TripleD's Photo Kit, its Application, and the '323 patent at least since  
17 the date of the patent's issuance. At the latest, Gem Cam knew about the '323 patent  
18 as of December 31, 2017, when TripleD notified it by letter of its infringement.

19 18. Since receipt of the aforementioned letter, Gem Cam has continued to  
20 manufacture, import, sell and/or offer for sale its Infringing Products.

21 19. Since receipt of the aforementioned letter, Gem Cam has refused to  
22 change or discontinue sales of its Infringing Products in response to TripleD's  
23 objections.

24 20. On information and belief, Gem Cam, with full knowledge of the  
25 asserted design patents and the Infringing Products, has acted with reckless  
26 disregard for the '323 patent.



**COUNT I: INFRINGEMENT OF U.S. PATENT NO. D795,323**

21. TripleD incorporates by reference paragraphs 1-16 as if fully set forth herein.

22. TripleD owns, by assignment, all rights to the '323 patent.

23. Upon information and belief, Gem Cam has infringed and continues to infringe the '323 patent, under 35 U.S.C. § 271(a), (b), and/or (c), including but not limited to by making, using, offering for sale, and/or selling the Infringing Products without the authority of TripleD, and/or by contributing to and/or inducing such infringement of the '323 patent.

24. Gem Cam does not have a license or permission to use the '323 patent.

25. Upon information and belief, Gem Cam has been or should have been aware of the existence of the '323 patent at least since December 31, 2017. Gem Cam also has notice of the '323 patent and its infringing conduct as a consequence of this Complaint.

26. As a result of Gem Cam's infringement of the '323 patent, TripleD has been irreparably injured. Unless such infringing acts are enjoined by this Court, TripleD will continue to suffer additional irreparable injury.

27. As a result of Gem Cam's infringement of the '323 patent, TripleD has suffered, and continues to suffer, damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits due to loss of sales, profits, and potential sales that TripleD would have made but for Gem Cam's infringing acts.

28. Upon information and belief, despite knowledge of the '323 patent, Gem Cam will continue to infringe this patent with reckless disregard of the '323 patent, by continuing to infringe the patent when it knew or should have known that its actions constituted infringement of one or more claims of the '323 patent. Upon information and belief, Gem Cam has acted and/or is continuing to act despite an objectively high likelihood that its actions constituted direct and/or indirect infringement of a valid patent.

**PRAYER FOR RELIEF**

WHEREFORE, TripleD respectfully requests the following relief:

- a) a declaration that Gem Cam infringes the '323 patent under 35 U.S.C. § 271(a), (b), and/or (c) and a final judgment incorporating the same;
- b) equitable relief under 35 U.S.C. § 283, including, but not limited to, an injunction that enjoins Gem Cam and its officers, agents, employees, assigns, representatives, privies, successors, and those acting in concert or participation with Gem Cam from infringing, contributing to, and/or inducing infringement of the '323 patent;
- c) an accounting of all sales or other disposition by Gem Cam of infringing systems and methods;
- d) an award of damages sufficient to compensate TripleD for infringement of the '323 patent by Gem Cam, together with prejudgment and post-judgment interest and costs under 35 U.S.C. § 284;
- e) an award of Gem Cam's total profits pursuant to 35 U.S.C. § 289;
- f) entry of an order compelling Gem Cam to compensate TripleD for any ongoing and/or future infringement of the '323 patent, in an amount and under terms appropriate under the circumstances, including an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- g) a declaration or order finding that Gem Cam's infringement is willful and/or an order increasing damages under 35 U.S.C. § 284;
- h) a judgment holding that this is an exceptional case under 35 U.S.C. § 285 and awarding Gem Cam its reasonable attorney fees, costs, and expenses; and
- i) such other relief deemed just and proper.

**JURY DEMAND**

Under Rule 38 of the Federal Rules of Civil Procedure, TripleD hereby demands trial by jury of all issues in this action so triable.

Dated: March 19, 2018

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